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REMARKS

Claims 37-56 remain in the application. Applicants intend to file a continuation application to pursue the subject matter of cancelled Claims 1-36, 57 and 58 not defined by the current claims.

The Examiner's Rejections:

In the Office Action dated July 12, 2006, the Examiner rejected Claims 37-46 and 54-56 under 35 U.S.C. 102(e) as being anticipated by Robertson et al. (2004/0024620 A1). The Examiner noted that Robertson is a CIP of Application no. 09/452,126, filed on December 1, 1999, the prior application does not contain information contained in Para 0073-0103 of Robertson and, therefore, only Paragraphs 0001-0072 and 0104-0105 are acknowledged the priority of 12/1/99.

As per independent Claim 37, the Examiner stated that Robertson discloses a method for determining personality type to facilitate the delivery of personality products, advice, or services (Abstract) comprising the steps of: a. providing a computer system including a database of a plurality of personality related tests and questions (Para 0062, list of questions; Para 0065-0072, computer enabled); b. providing remote access to the system to a third party administrator utilizing an administrator computer (Para 0071, Network Capability); c. collecting from the administrator computer via the remote access identifying information related to an individual user (address information to send survey); d. the administrator, via the remote access, selecting ones of the tests and questions in the database to be presented to the individual user (Para 0062, pick from list of questions); e. providing remote access to the system to a user computer identified as being operated by the individual user based upon receipt from the user computer information corresponding to the identifying information provided by the administrator computer (Para 0071, Network Capability); f. providing to the user computer via the remote access the tests and questions selected by the administrator and collecting data from the individual user via the remote access including results of the tests and responses to the questions and storing the data in the database (Para 0062-0064, present user with specific questions); g. comparing the test results and the question responses of the individual user with a predetermined set of references to develop a set of characteristic data of the individual user and determining a personality type of

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the individual user from the characteristic data (Para 0064, Classifying user based on survey results); h. the administrator viewing the test results and question responses of the individual user (manual step completed by administrator, has not effect on the claimed method - non-functional subject matter); and i. matching the personality type of the individual user with a corresponding product, advice, or service; wherein step i. is not performed by the administrator (Para 0064, correct insurance rate determined; Para 0065-0072, computer enabled process steps).

As per Claim 38, the Examiner stated that Robertson discloses wherein said step f. includes administering at least one of a personality test, a scenario-based test and a roll play-based test to the individual user to obtain the test results (Abstract, Para 0055-0058).

As per Claim 39, the Examiner stated that Robertson discloses wherein said step f. includes collecting at least one of demographic data, psychographic data, quality of life data, life style data, behavior data, and declared preferences data from the individual user to obtain the question responses (Para 0055-0058).

As per Claim 40, the Examiner stated that Robertson discloses wherein said behavior data includes at least one of provided behavior data and observed behavior data (Para 0055-0058).

As per Claim 41, the Examiner stated that Robertson discloses selecting from a plurality of questions and tests specific ones of the questions and tests to be presented to the identified user during said step c. based upon data previously collected from the identified user (user information to necessary to send survey to user).

As per Claim 42, the Examiner stated that Robertson discloses selecting a presentation medium for each of the questions and test to be presented to the individual user (Para 0062).

As per Claim 43, the Examiner stated that Robertson discloses performing said step g. by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (Para 0036, Robertson system is designed to be adaptable to various embodiments).

As per Claim 44, the Examiner stated that Robertson discloses performing step g. by selecting one of a plurality of scoring methods for scoring the results of the tests (scoring would depend on number and type of questions selected for surveying).

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As per Claim 45, the Examiner stated that Robertson discloses performing said step i. by matching the individual user with the product, advice or service preferred by other users having a similar personality type (Claims 1-4, classification system).

As per Claim 46, the Examiner stated that Robertson discloses performing said step e. by obtaining context data from the individual user and matching the individual user with the product, advice or service associated with the individual user personality type and context data (Claims 1-4, classification system).

As per Claim 54, the Examiner stated that Robertson discloses performing said step f, by selecting an order of presentation of questions to the individual user (Para 0062, presentations of questions determined by administrator).

As per Claim 55, the Examiner stated that Robertson discloses performing steps c. through i. for a plurality of the individual users associates as a group (system could be used to determine company or organization insurance risk)

As per Claim 56, the Examiner stated that Robertson discloses wherein said step g. includes scoring the results of the tests (Para 0063-0064).

The Examiner rejected Claims 47, 48, and 51-53 under 35 U.S.C. 103(a) as being anticipated by Robertson. The Examiner stated that Robertson discloses said step g. being performed by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (Para 0036, Robertson system is designed to be adaptable to various embodiments); and performing said step i. by matching the individual user with the product, advice or service preferred by other users (insurers) having a similar personality type (Claims 1-4, best insurance for determined risk classification). The Examiner admitted, however, that Robertson fails to expressly disclose wherein after performing said step g. advising the individual user of the determined personality type/ characteristic, obtaining feedback data from the individual user and performing again said step d. including the feedback data in the comparison with the test results and the question responses, and/or using the feedback adjust the survey/survey system

The Examiner rejected Claims 49 and 50 under 35 U.S.C. 103(a) as being anticipated by Robertson in view of Desai et at. (US 6,618,746 B2)

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As per Claim 49, The Examiner admitted that Robertson fails to expressly disclose wherein the user is assigned a password for accessing the survey system, selected by the administrator; and wherein the survey questions are presented to the individual user, at least one of the questions being selected based upon a response of the individual user to a previous question in the series of questions. The Examiner stated that, however, Desai discloses a computer based survey system, which provides users passwords to obtain access to the survey system (C5 L5-8), and adapts future questions based on user responses to previous questions (C4 L5-21) and, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the user is assigned a password for accessing the survey system, selected by the administrator; and wherein the survey questions are presented to the individual user, at least one of the questions being selected based upon a response of the individual user to a previous question in the series of questions, as disclosed by Desai in the system disclosed by Robertson, for the advantage of providing a method for determining personality type to facilitate the delivery of personality products, advice, or services, with the ability to increase system effectiveness by securing system data retrieval, and system efficiency by providing users with only essential questions and skipping unnecessary questions.

Applicants' Responses to the Rejections:

Robertson completely fails to show or suggest Steps a. through i. of Applicants' Claim 37. In addition, the Examiner failed to cite any portion of Robertson for his conclusion that Robertson discloses the subject matter of Step c. of Claim 37 and has mischaracterized the subject matter of Step h.

Applicants' claimed method involves three parties. The first party operates the computer system, the second party is the individual user and the third party is the administrator that has limited remote access to the system. Robertson is a two party system (system operator and prospective insured, see Fig. 4) and does not identify or suggest such a third party administrator.

Step a. of Claim 37 is "providing a computer system including a database of a plurality of personality related tests and questions". The Examiner referenced Robertson Para. [0062] for "list of questions and Para. [0065] – [0072]. Robertson Para. [0062] describes a single questionnaire. There is no "database of a plurality of personality related tests and questions" as

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required by Step a. Robertson Para. [0065] – [0072] describe the computer system **400** shown in Fig. 4, but there is no description of a "database of a plurality of personality related tests and questions" as required by Step a.

    <u>Step b.</u> of Claim 37 is "providing remote access to the system to a third party administrator utilizing an administrator computer". The Examiner referenced Robertson Para. [0071] for "network capability". The network link **420** does provide data communication with a host computer **424** through a local network **422** and with a server **430** through an ISP **426** and the Internet **428**. In Para. [0072], Robertson discusses receiving an application program from the server **430**, but Robertson does not describe or suggest "providing remote access to the system to a third party administrator utilizing an administrator computer" as required by Step b.

    <u>Step c.</u> of Claim 37 is "collecting from the administrator computer via the remote access identifying information related to an individual user". The Examiner did not provide a reference to any portion of Robertson as disclosing the subject matter of this step. The Examiner simply stated "address information to send survey". The Examiner is confusing the Robertson "survey" with the Robertson "questionnaire". The "survey" is described in Robertson Para. [0049] – [0058] as being used to collect data in order to prepare the questionnaire. However, there is no discussion of "address information to send survey" or the questionnaire, nor any discussion of a third party administrator having remote access to the Robertson computer system **400** to provide "address information to send survey" or the questionnaire.

    <u>Step d.</u> of Claim 37 is "permitting the administrator via the remote access to select ones of the tests and questions in the database to be presented to the individual user". The Examiner referenced to Robertson Para. [0062] "pick from list of questions". There is no discussion in Robertson of a third party administrator having remote access to the Robertson computer system **400** to "pick from list of questions" or to "select ones of the tests and questions in the database" as recited in Claim 37. Robertson presents a single questionnaire that includes a plurality of "statements" based upon the survey results. These statements are created once based upon the survey results and the same questionnaire is presented to each prospective insured.

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Step e. of Claim 37 is "providing remote access to the system to a user computer identified as being operated by the individual user based upon receipt from the user computer information corresponding to the identifying information provided by the administrator computer". The Examiner referenced Robertson Para. [0071] "network capability". The data communication through the Robertson network link 420 is discussed above with reference to Step b. There is no statement or suggestion in Para. [0071] that the Robertson computer system 400 permits remote access to a user computer identified as being operated by the individual user based upon receipt from the user computer information corresponding to the identifying information provided by the administrator computer as recited in Claim 37. Robertson does state in Para. [0062] that the questionnaire can be presented to a prospective insured over the Internet, but there is no suggestion that remote access is permitted to <u>a user computer identified</u> <u>as being operated by the individual user based upon receipt from the user computer information</u> <u>corresponding to the identifying information provided by the administrator computer</u> as recited in Claim 37.

Step f. of Claim 37 is "providing to the user computer via the remote access the tests and questions selected by the administrator and collecting data from the individual user via the remote access including results of the tests and responses to questions and storing the data in the database". The Examiner referenced Robertson Para. [0062] – [0064] "present user with specific questions". There is no teaching in Robertson that the questionnaire is selected by a third party administrated as recited in Claim 37.

Step g. of Claim 37 is "comparing the test results and the question responses of the individual user with a predetermined set of references to develop a set of characteristic data of the individual user and determining a personality type of the individual user from the characteristic data". The Examiner referenced Robertson Para. [0064] "Classifying user based upon survey results". Robertson describes classifying the prospective insured into a particular risk group based upon the number of agreements with the statements in the questionnaire. There is no teaching in Robertson that test results and question responses of the individual user are compared with a predetermined set of references to develop a set of characteristic data of the individual user or that a personality type of the individual user is determined from the characteristic data as recited in Claim 37.

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Step h. of Claim 37 is "informing the administrator of the test results and question responses of the individual user". The Examiner misstated Step h. as "the administrator viewing the test results and question responses of the individual user" and commented "manual step completed by administrator, has not effect on the claimed method - non-functional subject matter". Step h. is not a "manual step" and cannot be considered "non-functional subject matter". As stated above, Robertson does not discuss or suggest the third party administrator recited in Claim 37.

Step i. of Claim 37 is "matching the personality type of the individual user with a corresponding product, advice or service wherein step i. is not performed by the administrator". The Examiner referenced Para. [0064] "correct insurance rate determined" and Para. [0065] – [0072] "computer enabled process steps". Robertson does not match the prospective insured with "a corresponding product, advice or service". The "product" was determined to be an insurance policy before the prospective insured responded to the questionnaire. The responses are used only to set the appropriate insurance rate to charge the prospective insured.

Claim 41 recites "selecting from a plurality of questions and tests specific ones of the questions and tests to be presented to the identified user during said step f. based upon data previously collected from the identified user". The Examiner incorrectly stated that the presentation to the identified user was during "**step c.**" The Examiner cited no portion of Robertson as disclosing the selecting method step recited in Claim 41 and simply said "user information to necessary to send survey to user". Robertson doesn't select from a plurality of questions and tests specific ones of the questions and tests to be presented to the identified user since the same questionnaire is presented to each prospective insured.

Claim 43 recites "performing said step g. by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references". The Examiner references Robertson Para. [0036] as showing the Robertson system is designed to be adaptable to various embodiments by changing the questionnaire based upon personality traits associated with the type of insurance. The Robertson system can be applied to other forms of risk assessment, such as worker's compensation and malpractice insurance of a medical professional. Applicants defined the "classification system" (Page 20, Line 12 through Page 22, Line 29) as a sorting

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roadmap to standardize the raw data provided by the user so that the user's profile can be compared to personality models and to the profiles of others. In contrast, Robertson changes the questionnaire, not a classification system, based upon the product.

Claim 44 recites "performing said step g. by selecting one of a plurality of scoring methods for scoring the results of the tests". The Examiner stated "scoring would depend on number and type of questions selected for surveying", but did not reference any portion of Robertson to support this statement. Robertson discusses in Para [0064] that the only "scoring" is counting the number of agreements with the statements in the questionnaire. Robertson does not teach a "plurality of scoring methods".

Claim 45 recites "performing said step i. by matching the individual user with the product, advice or service preferred by other users having a similar personality type". The Examiner references Robertson Claims 1-4 "classification system". Robertson Claims 1-4 describe classifying the prospective insured into one of a plurality of risk groups. There is no matching to the insurance type in Robertson since the type of insurance was selected before the risk classification was performed.

Claim 46 recites "performing said step e. by obtaining context data from the individual user and matching the individual user with the product, advice or service associated with the individual user personality type and context data". The Examiner references Robertson Claims 1-4 "classification system". Robertson Claims 1-4 describe classifying the prospective insured into one of a plurality of risk groups. There is no matching to the insurance type in Robertson based upon context data since the type of insurance was selected before the risk classification was performed.

Claim 55 recites "performing steps c. through i. for a plurality of the individual users associated as a group". The Examiner states that the Robertson system could be used to determine company or organization insurance risk, but Robertson does not disclose such a step.

The Examiner rejected Claims 47, 48, and 51-53 under 35 U.S.C. 103(a) as being anticipated by Robertson. Applicants assume that the Examiner meant "obvious" instead of "anticipated". The Examiner admitted, however, that Robertson fails to expressly disclose wherein after performing said step g. advising the individual user of the determined personality type/ characteristic, obtaining feedback data from the individual user and performing again said

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step d. including the feedback data in the comparison with the test results and the question responses, and/or using the feedback adjust the survey/survey system. Not only does Robertson fail to expressly disclose the subject matter of Claims 47, 48 and 51-53, Robertson does not even suggest the claimed subject matter.

The Examiner rejected Claims 49 and 50 under 35 U.S.C. 103(a) as being anticipated by Robertson in view of Desai. Applicants assume that the Examiner meant "obvious" instead of "anticipated". The Examiner cited Desai as disclosing a computer based survey system, which provides users passwords to obtain access to the survey system (C5 L5-8), and adapts future questions based on user responses to previous questions (C4 L5-21). Claim 49 recites that the administrator selects the password and, as discussed above, Robertson does not teach an administrator. As for Claim 50, since the Robertson questionnaire is prepared based upon survey results and is scored based upon the number of affirmative responses, there is no teaching or suggestion as to how or why the Robertson system could be modified as suggested by the Examiner.

In view of the above arguments, Applicants believe that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

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